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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,962	11/19/2003	David W. Meyerson	CI-6670	7275

7590 10/28/2005
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
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CLEVELAND, OH 44114-1400

EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT PAPER NUMBER

3676

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,962

Applicant(s)

MEYERSON ET AL.

Examiner

Suzanne Dino Barrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 8, 18, 22-29, 32 and 50-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 10-17, 19-21, 30, 31, 37-49 and 57-60 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 7, 9 and 33-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I - Figures 1-11 in the reply filed on 8/15/05 is acknowledged.
2. Claims 8, 18, 22-29, 32, 50-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/15/05.

Claim Objections

3. Claim 58 is objected to because of the following informalities: in line 1, "aid" should be --said--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Girimont 4,660,397. Girimont teaches a key storing device comprising a housing (front and rear 2,3) and four keys (4) pivotally stored within first and second slots (first slot

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between housing portion 2 and plate 13; second slot between plate 13 and housing portion 3) therein by retaining members (8).

6. Claims 11-17,21,44-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacob (WIPO 01/48339). Jacob teaches a key storing device comprising a housing 20, a pivotal retainer 36 mounted to the end of a stored key 30, a spring 41 and control means 40 for the retainer member 36.

7. Claims 11-17,19-21,30,31,37-42,44-49,57-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray 2,822,684. Ray teaches a key storing device comprising a housing having front and rear plates 7,8, key retainer 14, spring bias 21, actuator 12, control member 25 and spring 28 therefor, wherein the key retainer 14 receives and end of a key therein and is mounted for pivotal movement within a housing slot (between the plates 7,8) and wherein the housing provides two side by side keys in the stored position which upon actuation by the control member, are pivotal out of the housing slot into a transverse or parallel active position.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girimont '397 in view of Taylor 2004/0148988. Taylor teaches the use of a key identifier 17

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(indicia) on the retainer 10 of a key 12. It would have been obvious to provide the retainer of Girimont with indicia means as taught by Taylor to be well known in the key storing art to facilitate usage of a particular key.

10. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ray '684 in view of Taylor 2004/0148988. Taylor teaches the use of a key identifier 17 (indicia) on the retainer 10 of a key 12. It would have been obvious to provide the retainer of Ray with indicia means as taught by Taylor to be well known in the key storing art to facilitate usage of a particular key.

Allowable Subject Matter

11. Claims 3,4,7,9,33-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note, especially, Keefer, Chodosh, McPherson, Chui; also the transverse key positions of Oberacker, Magee, Bascou; and with respect to claims 57-60, also Kinzler.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb